

DISPOSITION: February 10, 1953. Default decree of condemnation and destruction.

19404. Adulteration of roasted coffee. U. S. v. 88 Bags * * *. (F. D. C. No. 30970. Sample No. 21317-L.)

LIBEL FILED: On or about June 28, 1951, Eastern District of Louisiana; amended on January 9, 1952.

ALLEGED SHIPMENT: On or about April 21 and 23, 1951, by Angel Zardetto, from Guatemala.

PRODUCT: 88 152-pound bags of roasted coffee at New Orleans, La.

NATURE OF CHARGE: Original libel. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and Section 402 (b) (2), unsound, worthless berries and foreign materials had been substituted in whole or in part for coffee.

Amended libel. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed coffee berries; Section 402 (b) (3), the inferiority of the article had been concealed by the partial processing of the coffee prior to its importation from Guatemala; and, Section 402 (b) (4), substances had been added to the article and mixed and packed with it so as to reduce its quality and strength.

DISPOSITION: Pan-Gul Distributors, Inc., New Orleans, La., claimant, filed an answer denying that the product was adulterated as alleged in the libel. Thereafter, written interrogatories were served upon the claimant and were answered. A motion to amend the libel to revise the adulteration charge against the product was filed, and on January 9, 1952, this motion was granted. A second series of interrogatories were served upon the claimant and were answered, and were followed by the subsequent service of written interrogatories by the claimant upon the Government and the submission of the Government's answers to such interrogatories.

The case came on for trial on October 16, 1952, at which time the claimant announced that he would abandon the case. Accordingly, on November 24, 1952, judgment of condemnation was entered and the court ordered that the product be destroyed.

19405. Adulteration of coffee sweeps. U. S. v. 4 Bags * * *. (F. D. C. No. 33514. Sample No. 37847-L.)

LIBEL FILED: August 6, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 4, 1952, from a place outside of the United States.

PRODUCT: 4 140-pound bags of coffee sweeps at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of manure. The article was adulterated while held for sale after shipment in interstate commerce.

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